

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 14, 2016

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No 16OD-132

Oahu

Issuance of Right-of-Entry Permit to Fireworks by Grucci, Inc. for Aerial Fireworks Display at Unencumbered State lands off Ko Olina Beach on October 28 and 29, 2016, Honouliluli, Ewa, Oahu, Tax Map Key: (1) 9-1-057:seaward of 003.

APPLICANT:

Fireworks by Grucci, Inc., a foreign profit corporation.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Honouliuli, Ewa, Oahu, identified by Tax Map Key: (1) 9-1-057:seaward of 003, as shown on the map attached as **Exhibit A-1** and **A-2**.

AREA:

200 square feet, more or less – Staging area, and a safety zone with a radius of approximately 420 feet around the firing site.

ZONING:

State Land Use District:

Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Requested area is encumbered by Grant of Easement No. 5160, Ko Olina Intangibles,

LLC, for non-exclusive public recreation easement. For the creation, construction, repair and maintenance of public beaches, swimming lagoons, lagoon channels and other public recreational areas and to provide public rights-of-way and/or access along the shoreline, on, over, under and across State beaches, tidal and submerged.

CHARACTER OF USE:

Set up and conducting aerial fireworks display.

TERM:

Between 10:00 a.m. on October 28, 2016 to 11:45 p.m. on October 29, 2016. Display is planned for October 29, 2016 at 8:50 p.m.

RENTAL:

\$540 (One time payment).

200 square feet x (10 cents per square feet per day) x 2 days = \$ 40.00

Safety zone fee = \$500.00

Total = \$540.00

Note: Applicant is requesting the use of State lands for 2 days; one day to start securing launchers on rocky shoreline, and second day to finish setting up and conduct the show.

CLEAN-UP DEPOSIT:

\$2,500.00.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51. See **Exhibit B**.

DCCA VERIFICATION:

Place of business registration confirmed: YES X NO

Registered business name confirmed: YES X NO

Applicant in good standing confirmed: YES X NO

REMARKS:

Fireworks by Grucci, Inc. is requesting the issuance of a right-of-entry permit for the set-up and firing of fireworks display along the coastline outside of the lagoon at Ko Olina Beach for the Special Event Fireworks Display.

The set-up and firing of the aerial fireworks display for this event will include the staging area and the firing of the aerial fireworks display from a platform on the shoreline outside of the lagoon consisting of 200 square feet from 10:00 p.m. October 28, 2016 to 11:45 p.m. on October 29, 2016 at Ko Olina as shown on the attached map labeled Exhibit A-2. Staff notes that Exhibit A-2 identifies two firing locations labelled "Discharge Site 6" 5"" and "Discharge Site 4" 3"". This right-of-entry permit (ROE) is for Discharge Site 6" 5"" which is located on State land that is encumbered by easement GL-5160, while Discharge Site 4" 3" is located on Ko Olina property and does not require an ROE. Applicant stated that the location of Discharge Site 6" 5"" cannot be placed adjacent to Discharge Site 4" 3", because Discharge Site 6" 5"" will be launching larger diameter pyrotechnic shells with a greater fallout area and therefore, needs to be at a greater distance from the audience location as shown in Exhibit A-2. Also, Ko Olina identified the location of the audience area and requested the audience area and adjacent walkway up to the fallout area be accessible for guest during the fireworks show. Ko Olina has no objection to the discharge of fireworks in the area covered by easement GL-5160.

Also, Applicant noted in an Environmental Standard that all fireworks debris is bio-degradable (see **Exhibit C**).

At its meeting on March 11, 2016, under agenda item D-7, the Board required a \$2,500 cash deposit via certified check for clean-up deposit relating to the fireworks display. The Board added that the deposit check shall be held by the staff for up to 30 days after the scheduled event. During this interim 30 day¹ period Applicant will be afforded the opportunity to do additional clean-up, to the satisfaction of the staff, within 48 hours of a notice of findings of additional fireworks debris. The Board also approved staff's recommendation that Applicant provide evidence of the clean-up in the form of date and time stamped photographs of the premises taken before and after the fireworks display, and signed certificates from Applicant and a representative from the abutting property attesting to the satisfactory clean-up. These requirements have now been inserted in the right-of-entry permit.

Staff is recommending that a charge of \$500, only for the October 29 display, be imposed to cover the exclusive use of the safety zone as shown on Exhibit A-2. The total cost for this right-of-entry, which includes the staging area of \$40 (per event date) will be \$540.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. OCCL has no comments on the subject request. There are no pertinent issues or concerns. Staff does not have any objection to this request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as

1. At its meeting on March 24, 2016, under agenda item D-4, the Board agreed to the request and set the turn-around period to 7 calendar days.

provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

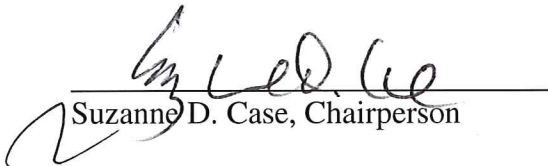
2. Authorize the issuance of a right-of-entry permit to Fireworks by Grucci, Inc. covering the subject area for aerial fireworks display purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Posting of \$2,500 clean-up deposit and clean-up protocol;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Cal Miyahara
Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson

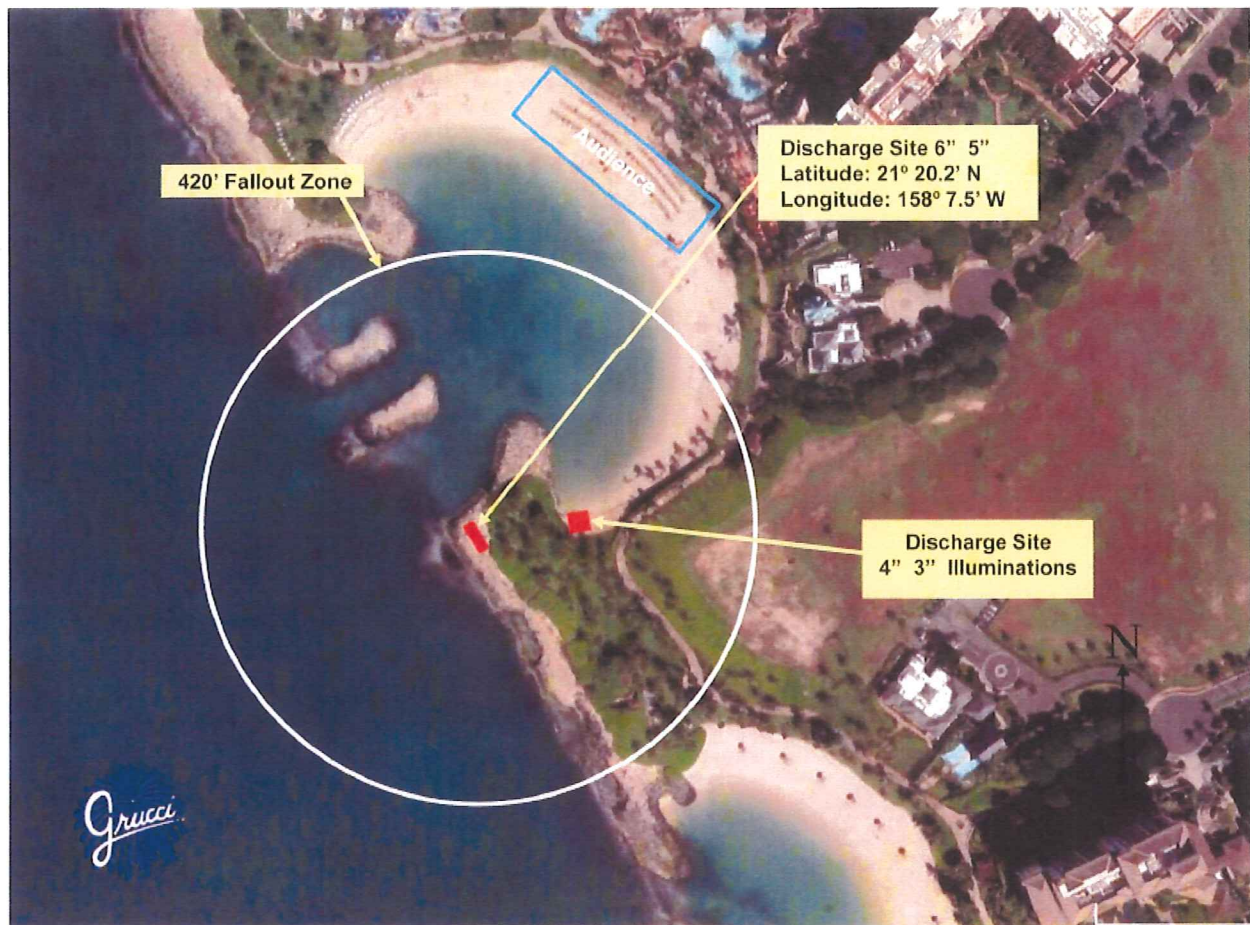


Exhibit A-2

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Fireworks Display at Ko Olina on October 29, 2016

Project / Reference No.: PSF 16OD-132

Project Location: Honouliuli, Ewa, Oahu, TMK:(1) 9-1-057: seaward of: 003.

Project Description: Aerial Fireworks Display at Ko Olina

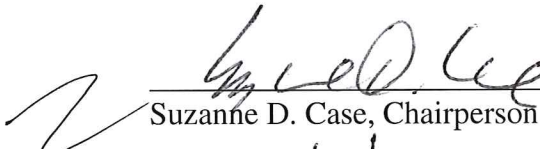
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51, which states the "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing".

In the past, permits were periodically issued for conducting aerial fireworks displays on the beach in this area, which have resulted in no known significant impacts to the natural and environmental resources in the area. As such staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Comments requested from OCCL.

Recommendation: It is recommended that the Board find that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.


Suzanne D. Case, Chairperson

Date

9/30/16

Exhibit B

Fireworks by Grucci-Hawaii
Fireworks Display Operations Procedures
Hawaii Food and Wine Festival
March 05-14, 2016

This document provides operations, communications, and emergency procedures in accordance with NFPA 1123, 33CFR 160.101-115, 33CFR 126.15, and 49CFR 177.800-854.

Schedule of Events

27 October 2016, Thursday

1300 CDL drivers get truck from Ryder.

28 October 2016, Friday

0830 Crew loads equipment into trucks. Utility vehicle delivered to Ko Olina

1000 Crew unloads truck and uses utility vehicle to move equipment to discharge site

1700 Crew completes setup of equipment.

29 October 2016, Saturday

0700 Fireworks crew loads product into Ryder truck

0800 Dangerous Goods Vehicle departs Waikole Magazine, in accordance with 49CFR, for Ko Olina.

0830 Vehicle arrives at Ko Olina. Crew transports product to discharge site via utility vehicle.

1800 Crew completes loading of fireworks, conducts system tests.

2015 Fallout zone is closed to all unauthorized personnel. Area is patrolled by Ko Olina security.

2040 Firing system is activated.

2050 Display commences.

2100 Display is complete. Crew secures firing system.

2130 Crew inspects mortars for any unfired product. If any product is found, it is boxed to be returned to the magazine in accordance with 49 CFR. Crew removes all equipment from reef location and completes cleaning of reef area.

2300 Crew departs site.

30 October 2016, Sunday

0830 Crew arrives on site and inspects reef area for cleanliness. Crew removes all equipment from area and loads truck.

1600 Truck departs Ko Olina with all equipment from site

Exhibit C

31 October 2016, Monday

- 0830 Crew unloads equipment from truck
- 1200 All cardboard and recyclable materials are taken to Island Recycling. All rubbish from the site is taken to H-Power.
- 1500 Truck is returned to Ryder.

Emergency Procedures

1. Should an incident occur during the setup the Chief Pyrotechnician will call 911 and request the appropriate assistance.
2. If an incident occurs during firing, the crew will use appropriate firefighting equipment on site under the direction of the Chief Pyrotechnician. HFD will be notified if their assistance is required

Communication

Command Post: Cell phone: 808 228-6526, 808 348-5000, Company Radio channel 4.

Termination of the Display

If at any time, the Chief Pyrotechnician, Ko Olina Community Association, Ko Olina Security feel that starting or continuing the display would result in an unsafe condition, the display will be not be commenced or will be terminated immediately. It will not be restarted until all parties agree that the unsafe condition has been corrected.

Environmental Standards

Any unfired product is returned to the magazine where it is prepared for re-use. Fireworks by Grucci ensures that all fireworks debris is biodegradable. The Chief Pyrotechnician ensures that the area is cleaned of all retrievable debris. This debris is bagged and taken to H-Power for recycling. Any cardboard, wire, metal fabrications, etc., that are able to be recycled are taken to Island Recycling. The Chief Pyrotechnician will check with the representatives of Ko Olina Community Association and the Department of Land and Natural Resources prior to his departure on October 30, to confirm that cleanup of the area is satisfactory.